

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-25366 - OWNER: CONSTANTINO NOVAL - APPLICANT: NEVADA HEALTH CENTERS, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Six additional handicapped parking spaces shall be provided on APN 140-32-502-003 in conformance with Title 19.10.010.G, prior to the issuance of a business license for this use.
2. There shall be no loitering in front of the premises.
3. There shall be sufficient space provided in the reception area to accommodate clients.
4. Hours of operation shall be limited from 7:30 a.m. to 4:30 p.m., Monday through Friday.
5. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Social Service Provider at 5001 East Bonanza Road, Suite #104.

The applicant is a nonprofit organization that receives federal funding to provide nutritional education and counseling to women and children under the age of five, many of whom are living at or below 100 percent of the poverty level. The services are free of charge. The facilities, located within a shopping center along a major bus route in the city, are adequate. Staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/17/93	The City Council approved a Special Use Permit (U-0312-92) to allow four coin operated gaming machines in an existing restaurant at 5000 East Bonanza Road (now 5001 East Bonanza Road). The Board of Zoning Adjustment and staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
08/09/91	A business license (Q01-00099) for a real estate broker was issued at 5001 East Bonanza Road, Suite #104. It was marked out of business on 02/28/07.
08/06/93	A business license (Q01-00021) for a real estate broker was issued at 5001 East Bonanza Road, Suite #104. It was marked out of business on 03/13/07.
06/12/03	A business license (Q16-00010) for a mortgage loan company was issued at 5001 East Bonanza Road, Suite #104. It was marked out of business on 09/20/07.
06/16/06	A business license (N33-00020) for a nonprofit health center was issued at 865 North Lamb Boulevard; The business moved to 5001 East Bonanza Road, Suite #104 on 08/27/07. A Special Use Permit was then required for a Social Service Provider use and the license was denied thirty days (09/28/07) after changing locations.
08/10/07	A building permit (TI-93570) was issued for a tenant improvement at 5001 East Bonanza Road, Suite #104. A final inspection was completed and a Certificate of Occupancy was issued on 09/11/07.

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Pre-Application Meeting	
09/24/07	The applicant explained the activities of the proposed Social Service Provider. The organization will provide nutritional counseling and assistance; no medical treatment will be offered except lab testing for anemia. A staff of six or seven will typically serve an average of 30-35 clients per day in 15 minute appointments. Training classes are separate and could be from one to ten students for an hour session. Staff asked the applicant for a parking analysis and proof of cross access between sites, as this is not located within a commercial subdivision. The suite at the proposed site was recently remodeled. This application does not require a Project of Regional Significance questionnaire, as it is just outside of 500 feet from Clark County's jurisdiction.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
11/16/07	The subject site is located within an in-line shopping center at an interior corner of the building, next to a smoke/gift shop and dry cleaners. The suite has two doors. There is signage on the windows next to these doors advertising the hours of operation (7:30-4:30 M-F; 12-1 closed for lunch). Chairs and furniture were arranged inside. The parking spaces in front of the building are five minute customer spaces only. A bus stop is located on Bonanza Road in front of the building.

Details of Application Request	
Site Area	
Net Acres	4.13

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail/Commercial/Office	SC (Service Commercial)	C-1 (Limited Commercial)
North	Car Wash, Full Service and Auto Smog Check	SC (Service Commercial)	C-1 (Limited Commercial)
South	Multi-Family Residential (Condominiums)	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Retail, Restaurant, and Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
West	Mobile Home Park	H (High Density Residential)	R-MHP (Residential Mobile/Manufactured Home Park) under Resolution of Intent to R-5 (Apartment)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.08, the proposal is subject to the following development standards:

<i>Standard (C-1)</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	4.13 acres	N/A
Min. Lot Width	100 feet	297 feet	Y
Min. Setbacks			
• Front	20 feet	25 feet	Y
• Side	10 feet	0 feet	N*
• Corner	15 feet	N/A	Y
• Rear	20 feet	146 feet	Y
Max. Lot Coverage	50%	<50%	Y

*The site was mapped through a Parcel Map (PM-0055-81) in 1982, and the buildings were constructed in 1983 and 1984 through permit to the property line. The building on the subject site is therefore legally nonconforming with respect to the side yard setback.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	45,496 SF	1 space per 250 SF GFA	182	7	220	1	N*
TOTAL			189		221		Y

*The numbers above indicate only the number of parking spaces located on APN 140-32-502-003. The Shopping Center use includes any assemblage of various commercial tenants including without limitation retail uses, personal services uses, food service uses and other ancillary uses. The proposed Social Service Provider use will not add any additional parking spaces to the existing parking requirement. The shopping center is not part of a commercial subdivision;

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however, an unrecorded document signed by the property owner of the parcels comprising the shopping center was submitted by the applicant permitting legal cross access and shared parking between the parcels that make up the shopping center. The majority of handicapped spaces in the parking field are located on the adjacent parcel. A condition of approval is recommended that requires six additional handicapped spaces to be created on the subject parcel prior to the issuance of a business license for the use.

ANALYSIS

- **Zoning**

The site is zoned C-1 (Limited Commercial) and is in conformance with the existing SC (Service Commercial) General Plan designation on this parcel. A Social Service Provider use is permitted in the C-1 District with approval of a special use permit. Approval of this Special Use Permit will establish the use in Suite #104.

Retail and commercial uses are located to the north and east, condominiums to the south, and a mobile home park to the west that has been approved for a proposed condominium complex.

- **Use**

A Social Service Provider is defined in Title 19.20 as “a facility that provides assistance to persons with limited ability for self-care, but for whom medical care is not a major element. The term includes a facility that provides assistance concerning psychological problems, employment, learning disabilities or physical disabilities, but does not include a rescue mission or homeless shelter, or an adult day care center.” According to the applicant, the service is a nonprofit, federally funded organization whose primary concern is to provide free nutritional education and counseling to women and children under the age of five who are living at or below the poverty level. Food vouchers are also distributed. Blood hem cue tests for the presence of iron are administered, but this is the only medical function of the program. Other healthcare needs are referred to facilities providing medical services offsite. Counseling and training are performed by licensed professionals. This site was chosen for its proximity to clients and location along an established bus line. The business was in operation elsewhere in the city prior to the proposed move to the subject location.

The use will occupy 1,846 square feet within an existing in-line shopping center building perpendicular to Bonanza Road. Clients enter into a “lounge” area while they wait for their appointments. This room accommodates up to 23 clients. The rest of the suite consists of offices of various sizes for education, counseling and administrative activities; a storage room; and restrooms.

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- **Conditions**

There are no base conditions for consideration of a special use permit for a Social Service Provider. However, the following data has been supplied that could potentially limit the use:

- Hours of operation are 7:30 a.m. to 4:30 p.m., Monday through Friday.
- The reception area is 109 square feet and the reception desk is located approximately 14 feet from the entrance.
- The facility will be staffed by seven employees.
- Approximately 35 clients may be assisted in a given day.
- The nearest bus stop is on the south side of Bonanza Road at the subject site, and serves Routes #215 (Bonanza) and #115 (Nellis/Stephanie).

Conditions have been placed on the use limiting the hours of operation, prohibiting loitering outside the building, and requiring sufficient reception area inside the building to accommodate the anticipated number of daily clients.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Social Service Provider use will be located within an established in-line retail center in a space large enough to serve the anticipated client base at an approximately 3:1 client-to-staff ratio. The proposed location faces Bonanza Road, away from existing residential uses to the west and south. A condominium complex is proposed for the adjacent parcel to the west. The entire shopping center will be screened from the proposed uses on that parcel. Therefore, the use can be operated compatibly with the existing and future land uses in the area.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site contains an existing shopping center. This site is more than adequate to handle the proposed Social Service Provider use, which is similar in intensity to an office use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

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The site is served by Bonanza Road, a 100-foot Primary Arterial, as categorized by the city's Master Plan of Streets and Highways. Nellis Boulevard, another 100-foot Primary Arterial, provides secondary access through adjoining commercial property for which common access is permitted. These facilities will be adequate to meet the requirements of the Social Service Provider use.

- 4. "Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

Recent improvements in the suite have been approved and inspected. The use will be subject to licensing requirements and will therefore not compromise the public health, welfare or safety.

- 5. The use meets all of the applicable conditions per Title 19.04.**

There are no base conditions for consideration of a special use permit for a Social Service Provider. However, conditions have been placed on the use limiting the hours of operation, prohibiting loitering outside the building, and requiring sufficient reception area inside the building to accommodate the anticipated number of daily clients.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 14

SENATE DISTRICT 2

NOTICES MAILED 223

APPROVALS 3

PROTESTS 1